1973. No. 211

LOCAL GOVERNMENT

HEALTH AND PERSONAL SOCIAL SERVICES

Local Government (Modifications and Repeals of Health etc. Legislation) Order (Northern Ireland) 1973

Made . . . . . *29th June* 1973

Coming into operation . . . *1st October* 1973

To be laid before the Parliament of the United Kingdom under paragraph 4(5)(*b*) *of the Schedule to the Northern Ireland (Temporary Provisions) Act* 1972.

The Ministry of Health and Social Services, on behalf of the Secretary of State and in exercise of the powers conferred on it by section 134 of the Local Government Act (Northern Ireland) 1972(**a**) and Article 76(1) of and paragraph 1(*f*) of Schedule 13 to the Health and Personal Social Services (Northern Ireland) Order 1972(**b**) and of every other power enabling it in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Local Government (Modifications and Repeals of Health etc. Legislation) Order (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

2. The transferred provisions mentioned in columns 1 to 3 of the Schedule shall have effect subject to the modifications and repeals specified in column 4.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 29th day of June 1973.

(L.S.)

J. H. Copeland,
Assistant Secretary.

(a) 1972. c. 9 (N.I.). (b) S.I. 1972, No. 1265 (N.I. 14).

SCHEDULE

Modifications and Repeals

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1 & 2 Geo. 5 c. 52	Rag Flock Act 1911	Section 1	In subsection (5) for the words "sanitary authority" in the first, third and last places where they occur substitute "district council"; for the word "their" substitute "its" and for the words from "the medical officer of health" to the word "appoint" substitute "any officer of the district council". Subsection (6) is repealed. In subsection (7) for the words "sanitary authority" where they twice occur substitute "district council"; for the word "their" substitute "its" and the words from "and carried" onwards are repealed. In subsection (9) paragraph (*b*) is repealed. After subsection (9) add the following subsection— "(10) In this Act "district council" means a council established under the Local Government Act (Northern Ireland) 1972.".
9 & 10 Geo. 5 c. 72	Rats and Mice (Destruction) Act 1919	Sections 3(3), 4, 5(1), (2) and (4), 6, 7(1) and 10	For any reference to a local authority substitute a reference to a district council.
		Section 2	For section 2 substitute— "**2.** Each district council shall enforce the provisions of this Act within its district.".

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
9 & 10 Geo. 5 c. 72	Rats and Mice (Destruction) Act 1919 (cont.)	Section 3	In subsection (1) for the words "local authority" in the first place where they occur substitute "district council"; the words "having power to enforce this Act" are repealed and for the words "land for which it is the local authority under section two of this Act" substitute "any other land within its district". In subsection (2) for the words "local authority" in the first, second and third places where they occur substitute "district council" and the words "treasurer or other proper officer of that" and the words from "and any sum" onwards are repealed.
		Section 4	The words "having power to enforce this Act" are repealed and for the word "area" substitute "district".
		Section 5	In subsection (1) the words "having power to enforce this Act" are repealed. Subsection (3) is repealed.
		Section 6	In subsection (2) the words "having power to enforce this Act" are repealed.
		Section 7	Subsection (2) is repealed.
		Section 8	At end insert— "The expression "district council" means a council established under the Local Government Act (Northern Ireland) 1972.".
		Section 9	In subsection (2) paragraphs (*b*) and (*c*) are repealed.

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
2 & 3 Geo. 6 c. 3	Hairdressers Act (Northern Ireland) 1939	Sections 1, 2, 3, 4 and 5(1)	For any reference to a local authority substitute a reference to a district council.
		Section 5	In subsection (2) for the words "the council of any county borough, borough, urban or rural district" substitute "any district council".
		Section 6	Is repealed.
		Section 7	Subsection (1) is repealed.
1946 c. 19	Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946	Section 25A	For the words "A health authority or a welfare authority" substitute "A district council" and for the word "their" in the first place where it occurs substitute "its".
1953 c. 6	Health Services Act (Northern Ireland) 1953	Section 38	For the words "A health authority or a welfare authority" substitute "A district council" and for the word "their" in the first place where it occurs substitute "its".
1958 c. 27	Food and Drugs Act (Northern Ireland) 1958	Sections 9, 11, 13 to 15, 17 to 20, 29, 30(1), (3) and (4), 31 to 34, 36, 36A, 39 to 43, 46(5), 47, 55, 60, 62 to 64, 66 and Schedule 2	For any reference to a health authority substitute a reference to a district council and for any reference to the area of a health authority substitute a reference to the district of a district council.
		Section 15	Subsection (2) is repealed.
		Section 26	For the words "An urban or rural district council, or a joint board constituted under the Public Health (Ireland) Act, 1878," substitute "A district council".

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1958 c. 27	Food and Drugs Act (Northern Ireland) 1958 (cont.)	Section 28	After subsection (5) add the following subsection— "(5A) Any function of the chief administrative medical officer of a Health and Social Services Board under this section may be exercised by such other medical officer of the Health and Social Services Board as the chief administrative medical officer may authorise in writing in that behalf.".
		Section 30	For subsection (2) substitute— "(2) Any public health inspector of a district council shall be deemed to be an authorised officer of that council for all purposes of this Act.".
		Sections 59 and 61	Are repealed.
		Section 62	For the word "secretary" substitute "clerk".
		Section 64	In subsection (2) the word "and" and paragraph (*c*) are repealed.
		Section 69	Subsection (2) is repealed.
		Section 70	In subsection (1), in the definition of "business" for the words "public or local authority" substitute "district council or other public authority" and the definition of "health authority" is repealed.
		Section 72	In subsection (1) for the words "the council of a county borough, borough, or urban or rural district" substitute "a district council" and for the words "area of that local authority" substitute "district of that council".

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1962 c. 7	Administrative and Financial Provisions Act (Northern Ireland) 1962	Section 6(2)	For any reference to a health authority substitute a reference to a district council.
10 & 11 Eliz. 2 c. 33	Health Visiting and Social Work (Training) Act 1962	Section 3	In subsection (5) before the words "any corresponding enactment" insert "similar services provided by the Ministry of Health and Social Services for Northern Ireland under".
1965 c. 20	Factories Act (Northern Ireland) 1965	Section 8	In subsections (1) and (2) for the words "the county borough of Londonderry by the council of that county borough and elsewhere by the health authority" substitute "each district by the district council for that district". In subsection (4) for the words "the Londonderry County Borough Council or a health authority" substitute "a district council". In subsection (5) for the words "The Londonderry County Borough Council and every health authority" substitute "Each district council"; for the words "their area" substitute "its district" and for the word "them" substitute "it". In subsection (6) for the words "the Londonderry County Borough Council or a health authority" substitute "a district council" and for the words "a medical officer of health" substitute "such public health inspector as may be authorised by the district council".

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1965 c. 20	Factories Act (Northern Ireland) 1965 (cont.)	Section 9	In subsection (1) for the words "the Londonderry County Borough Council or a health authority" substitute "a district council"; the words "or health authority" where they three times occur and the words ",as the case may be," are repealed.
			In subsection (2) before the word "public" insert "or a" and for the words "said council or health authority" substitute "district council".
			In subsection (3) for the words "the said council or a health authority" substitute "a district council"; the words "or health authority" where they twice occur and the words ",as the case may be," are repealed.
		Section 10	In subsection (1) for the words "the Londonderry County Borough Council or any health authority have" substitute "a district council has" and for the word "them" substitute "it".
			In subsection (2) for the words "the said council or a health authority" substitute "a district council" and the words "or health authority" are repealed.
		Section 11	In subsection (3) for the words "county borough council and a health authority and their officers" substitute "district council and such officers as it may authorise".

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1965 c. 20	Factories Act (Northern Ireland) 1965 (cont.)	Section 41	In subsection (4) for the word "inform" substitute "informs" and for the word "they" where it twice occurs substitute "it".
			In subsection (6) for the word "think" substitute "thinks".
		Section 42	In subsection (4) for the word "are" in the first place where it occurs substitute "is"; for the words "they are" substitute "it is" and for the word "they" in the second place where it occurs substitute "it".
			In subsection (5) for the word "they" substitute "it".
		Section 43	In subsection (2) for the word "them" substitute "it".
			In subsection (4) the words "outside the county borough of Belfast" are repealed and for the word "area" substitute "district".
			In subsection (5) for the words "a fire authority" substitute "the fire authority" and for the word "them" substitute "it".
		Section 44	For the words "a fire authority" substitute "the fire authority".
		Section 46	In subsection (2) for the words "the Londonderry County Borough Council or a health authority" substitute "a district council" and for the words "a fire authority" substitute "the fire authority".
			In subsection (3) for the words "they consider" substitute "it considers".
			Subsections (4) and (5) are repealed.

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1965 c. 20	Factories Act (Northern Ireland) 1965 (cont.)	Section 47	For the words "a fire authority" substitute "the fire authority".
		Section 69	In subsection (2) for the words from "in the county borough of Londonderry" to "every basement bakehouse" substitute "of each district council to carry out during the year ended 31st December 1974 and each successive fifth year thereafter an examination of every basement bakehouse within its district"; in paragraphs (*a*) and (*b*) for the words "that council or the health authority are" substitute "the district council is" and for the word "they" substitute "it"; in paragraph (*b*) the words "or authority" are repealed. In subsection (3) for the words "the Londonderry County Borough Council or a health authority give" substitute "a district council gives". In subsection (5) for the words "the county borough of Londonderry, by the council of that county borough and elsewhere by the health authority" substitute "each district by the district council for that district" and for the words "that council or a health authority" where they twice occur substitute "a district council".
		Section 84	In subsection (2) for the words "section 116(1) of the Education Act (Northern Ireland) 1947" substitute "Article 36 of the Education and Libraries (Northern Ireland) Order 1972(c)".

(c) S.I. 1972, No. 1263 (N.I. 12).

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1965 c. 20	Factories Act (Northern Ireland) 1965 (cont.)	Section 125	In subsection (2)(*k*) for the words "health authorities and of the council of the county borough of Londonderry" substitute "district councils and of the chief administrative medical officer of a Health and Social Services Board".
		Section 153	Subsection (1) is repealed.
			In subsection (2) for the words "The medical officer of health of every health authority or in the county borough of Londonderry of the council of that county borough" substitute "Such public health inspector as may be authorised by each district council"; in paragraph (*a*) for the words "health authority or, in the county borough of Londonderry, the council of that county borough" substitute "district council"; insert the word "and" after "Part I" and the words "authority or" are repealed.
			Subsection (3) is repealed.
			In subsection (4) for the words "a health authority and the Londonderry County Borough Council and their officers" substitute "and a district council and such of its officers as it may authorise"; before the words "such officers" insert "all" and for the words "the authority or council authorised by them in writing in that behalf, either generally or specially," substitute "a district council authorised in writing in that behalf, either generally or specially, by the Health and Social Services Board or by the district council, as the case may be,".

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1965 c. 20	Factories Act (Northern Ireland) 1965 (cont.)	Section 173	In subsection (2) the words "a health authority, a county borough council," where they twice occur and the words "or other local authority" where they twice occur are repealed, and for the words "Northern Ireland Fire Authority" where they twice occur substitute "fire authority".
		Section 175	In subsection (9) for the word "municipal" substitute "district council" and after the word "such" insert "council or".
		Section 176	In subsection (1) for the definition of "the fire authority" substitute— "'the fire authority' means the Fire Authority for Northern Ireland;" and the definitions of "district council" and "the health authority" are repealed.
1966 c. 8	Family Allowances Act (Northern Ireland) 1966	Section 11	In subsection (2) for the words "a welfare authority" substitute "the Ministry of Home Affairs" and for the words "the authority" substitute "that Ministry". In subsection (3) for the words "welfare authority" substitute "Ministry of Home Affairs".
1966 c. 26	Office and Shop Premises Act (Northern Ireland) 1966	Sections 54, 58(3) and 67(1)	For any reference to a health authority substitute a reference to a district council.
		Section 41	For the words from ",if not themselves" onwards substitute "consult the district council for the district in which the premises are situate".

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1966 c. 26	Office and Shop Premises Act (Northern Ireland) 1966 (cont.)	Section 51	In subsection (1) for the words "health authority within the meaning of the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946" substitute "district council"; for the words "their area" substitute "its district" and the words from "and section 1(2)" onwards are repealed. In subsection (2) the words "for any area" and "within that area" are repealed; in paragraphs (*a*) and (*b*) for the word "they" substitute "it". In subsection (3), in paragraph (*a*) for the words "local authority" substitute "district council"; in paragraph (*b*) for the words "which, within the meaning of the Education Act (Northern Ireland) 1947, is under the management of a local education authority" substitute "or for the purposes of a library which in either case is under the management of an education and library board within the meaning of the Education and Libraries (Northern Ireland) Order 1972"; in paragraph (*c*) for the words "a fire authority" substitute "the fire authority" and the words "not being premises falling within paragraph (*a*)," are repealed.
		Section 53	In subsection (1) for the words "a fire authority" substitute "the fire authority".
		Section 55	For the words "they are" substitute "it is".

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1966 c. 26	Office and Shop Premises Act (Northern Ireland) 1966 (cont.)	Section 57	For subsection (1) substitute— "(1) Each district council and the fire authority shall as soon as practicable after the 31st December of each year (and in any event not later than the 31st March following that day) make to the Ministry a report of its proceedings under this Act during that year, being a report containing particulars with respect to such matters arising thereunder as the Ministry may by order prescribe.". In subsection (2) for the word "an" substitute "a district council or the fire" and for the words "authority's offices" substitute "respective offices thereof".
		Section 58	In subsection (1) for the words "health authority" substitute "district council"; for the words "a fire authority (in this section referred to as 'the authority')" substitute "the fire authority"; for the word "have" substitute "has"; for the word "their" substitute "its" and before the word "authority" in the last place where it occurs insert "district council or the fire". In subsection (2), in paragraph (*a*) for the word "authority" substitute "district council concerned or the fire authority, as the case may be"; in paragraph (*b*) before the word "authority" insert "district council concerned or the fire"; the word "and" and paragraph (*c*) are repealed.

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1966 c. 26	Office and Shop Premises Act (Northern Ireland) 1966 (cont.)	Section 64	In subsection (2) for the words "a fire authority" substitute "the fire authority".
		Section 67	In subsection (2) for the words "a fire authority" substitute "the fire authority" and for the words "they are" substitute "it is".
		Section 71	In subsection (1) the words "(if not themselves the fire authority)" are repealed.
		Section 76	Subsection (2) is repealed. In subsection (3) for the words "a fire authority" substitute "the fire authority" and for the words from "Fire Services Acts" onwards substitute "Fire Services Act (Northern Ireland) 1969(**d**)".
		Section 81	In subsection (1) the definitions of "district council" and "the health authority" are repealed; for the definition of "the fire authority" substitute— "'the fire authority' means the Fire Authority for Northern Ireland;" and in the definition of "inspector" for the words "health authority or a fire authority" substitute "district council or the fire authority". Subsection (3) is repealed.

(**d**) 1969 c. 13 (N.I.).

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1966 c. 28	Supplementary Benefits &c. Act (Northern Ireland) 1966	Section 15	For the words "(charges in respect of accommodation under that Act)" substitute "(charges in respect of certain accommodation under that Order for persons in need)".
		Section 19	In subsection (1), at the end of paragraph (*f*) add "or of the excess mentioned in Article 29(2) of the Rates (Northern Ireland) Order 1972(e).".
		Schedule 2	In Part II, in paragraph 15 for the words "such of the sums prescribed" substitute "such rate as is determined by the Ministry" and for the words "(minimum rate of payment for accommodation)" substitute "(lower rate of payment in respect of certain accommodation for persons in need)".
1967 c. 36	Public Health Act (Northern Ireland) 1967	—	After section 22 add the following section— "Exercise of functions of chief administrative medical officer **22A.** Any function of the chief administrative medical officer of a Health and Social Services Board under this Act may be exercised by such other medical officer of the Health and Social Services Board as the chief administrative medical officer may authorise in writing in that behalf.".

(e) S.I. 1972, No. 1633 (N.I. 16).

Column 1 *Chapter*	Column 2 *Act*	Column 3 *Relevant provision*	Column 4 *Modification or repeal*
1968 c. 67	Medicines Act 1968	Sections 110(2), (3) and (5), 125(6) and paragraph 17 of Schedule 3	For any reference to a health authority substitute a reference to a district council.
		Section 110	In subsections (2) and (3) for the word "area" substitute "district". Subsections (6) and (7) are repealed. For sub-section (8) substitute— "(8) In this section "district council" means a council established under the Local Government Act (Northern Ireland) 1972.".
1971 c. 2	Welfare Services Act (Northern Ireland) 1971	Section 25	In subsections (1), (4) and (5) for any reference to a local authority substitute a reference to a district council. In subsection (1) the words "to whom this subsection applies" are repealed and for the word "area" substitute "district". Subsection (2) is repealed. In subsection (4) the words "to whom subsection (1) applies" are repealed and for the words "this Act" substitute "the Health and Personal Social Services (Northern Ireland) Order 1972".

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order provides for modifications and repeals of certain transferred provisions consequential on—

(*a*) the Local Government Act (Northern Ireland) 1972 and the Local Government (Transfer of Functions) Order (Northern Ireland) 1973;

(*b*) the Health and Personal Social Services (Northern Ireland) Order 1972;

(*c*) the Rates (Northern Ireland) Order 1972; and

(*d*) the Fire Services (Northern Ireland) Order 1973.